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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,194	12/20/2001	Bryan M. Elwood	87289.1741	5973

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EXAMINER

BHAT, ADITYA S

ART UNIT PAPER NUMBER

2863

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n No.

10/022,194

Applicant(s)

ELWOOD ET AL.

Examiner

Aditya S Bhat

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 17, 19, 31, 33 and 34 is/are rejected.
- 7) ☒ Claim(s) 2-16, 18, 20-30, 32 and 35-43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,17,19, 31 and 33-34 rejected under 35 U.S.C. 102(b) as being anticipated by Hansen (USPN 6,317,639).

With regards to claim 1, Hansen (USPN 6,317,639) teaches a device that provides diagnostic and control capability for equipment from a remote location comprising:

- an apparatus detached from the equipment comprising a display device, (13,62; See figure 1)

- an input device,(14; See figure 1) software executed by the apparatus and a communications device; (Col.4, lines 36-40) and

- a controller attached to the equipment to enable monitoring of the equipment by the apparatus through the communications device. (Col.4, lines 36-40)

With regards to claim 17, Hansen (USPN 6,317,639) teaches a method that provides remote diagnostic and control capability for equipment comprising:

- monitoring the equipment through a controller attached the equipment with a remote apparatus comprised of an input device, display device, a communications device and software code executed by the apparatus. (See figure 1)

- With regards to claim 19 and 34, Hansen (USPN 6,317,639) teaches selecting with the software code specific data collection wherein the software code records the data of pre-selected features of the equipment. (Col. 4 lines 39-40)

- With regards to claim 31, Hansen (USPN 6,317,639) teaches a device that provides remote diagnostic and control capability for equipment comprising:

  - remote means for monitoring the equipment; and (Col.3, lines 60-66)

  - means for controlling the equipment through the means for monitoring, wherein the means for controlling is attached to the equipment. (61 ;See figure 1)

- With regards to claim 33, Hansen (USPN 6,317,639) teaches a means for controlling is a controller.(12;See figure 1)

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### ***Claim Objections***

Claims 2-16, 18, 20-30, 32, and 35-43 are objected to because of the following informalities: A comma is before the word "wherein" in claims 2-16, 23-24, 26-30, 32, 36-37, and 39-43 and a comma is missing before the word "further" in claims 18, 20-22, 25, 35, and 38. Appropriate correction is required.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kumar et al. USPN 6,416,471 teaches a portable remote patient telemonitoring system, Canada et al. (USPN 5852351) teaches a machine monitor, Canada et al. (USPN 5,907,491) teaches a wireless machine monitoring and communications system, Lamberson et al. (USPN 5,845,230) teaches apparatus and method for the remote monitoring of machine conditions, Piscalko et al. (USPN 6,301,551) teaches a remote pile driving analyzer, Petite et al. (USPN 6,437,692) teaches a system and method for monitoring and controlling remote devices, Steen III et al. (USPN 6,510,350) teaches a remote data access and system control, and Wegerich (USPN 6,556,939) teaches a inferential signal generator for instrumented equipment and processes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 703-308-0332. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Aditya S. Bhat  
August 8, 2003



John Barlow  
Supervisory Patent Examiner  
Technology Center 2800